

FILED

2009 APR 16 P 3:49

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

Fred W. Schwinn (SBN 225575)
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CONSUMER LAW CENTER, INC.
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San Jose, California 95113-2418
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ADR

Attorneys for Plaintiff
JOSEPH LAWRENCE KLEMENCIC

E-filing

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH LAWRENCE KLEMENCIC,

Plaintiff,

v.

BRIDGEPORT FINANCIAL, INC., D/B/A
COLLECTAL ASSOCIATES, a California
corporation,

Defendant.

Case No.:

C 09 01684

COMPLAINT

PVT

DEMAND FOR JURY TRIAL

15 United States Code § 1692 *et seq.*
California Civil Code § 1788 *et seq.*

Plaintiff, JOSEPH LAWRENCE KLEMENCIC (hereinafter "Plaintiff"), based on information and belief and investigation of counsel, except for those allegations which pertain to the named Plaintiff or his attorneys (which are alleged on personal knowledge), hereby makes the following allegations:

I. INTRODUCTION

1. This is an action for statutory damages, attorney fees and costs brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788 *et seq.* (hereinafter "RFDCPA") which prohibit debt collectors from engaging in abusive, deceptive and unfair practices.

///

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

3. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

III. VENUE

4. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b), in that a substantial part of the events or omissions giving rise to the claim occurred in this judicial district. Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that Defendant transacts business in this judicial district and the violations of the FDCPA complained of occurred in this judicial district.

IV. INTRADISTRICT ASSIGNMENT

5. This lawsuit should be assigned to the San Jose Division of this Court because a substantial part of the events or omissions which gave rise to this lawsuit occurred in Santa Clara County.

V. PARTIES

6. Plaintiff, JOSEPH LAWRENCE KLEMENCIC (hereinafter "Plaintiff"), is a natural person residing in Santa Clara County, California. Plaintiff is a "consumer" within the meaning of 15 U.S.C. § 1692a(3) and a "debtor" within the meaning of Cal. Civil Code § 1788.2(h) and a "senior citizen" within the meaning of Cal. Civil Code § 1761(f).

7. Defendant, BRIDGEPORT FINANCIAL, INC., D/B/A COLLECTAL ASSOCIATES (hereinafter "BRIDGEPORT"), is a California corporation engaged in the business of

1 collecting debts in this state with its principal place of business located at: 221 Main Street, Suite 290,
2 San Francisco, California 94105. BRIDGEPORT may be served as follows: Bridgeport Financial, Inc.,
3 c/o Roger O. Young, Agent for Service of Process, 221 Main Street, Suite 290, San Francisco,
4 California 94105. The principal business of BRIDGEPORT is the collection of debts using the mails
5 and telephone, and BRIDGEPORT regularly attempts to collect debts alleged to be due another.
6 BRIDGEPORT is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6) and Cal. Civil Code §
7 1788.2(c).
8

9 VI. FACTUAL ALLEGATIONS

10 8. On a date or dates unknown to Plaintiff, Plaintiff is alleged to have incurred a
11 financial obligation (hereinafter "the alleged debt"). The alleged debt was incurred primarily for
12 personal, family or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. §
13 1692a(5) and a "consumer debt" as that term is defined by Cal. Civil Code § 1788.2(f).
14

15 9. Sometime thereafter on a date unknown to Plaintiff, the alleged debt was
16 consigned, placed or otherwise transferred to Defendant for collection from Plaintiff.
17

18 10. Thereafter, Defendant sent a collection letter (Exhibit "1") to Plaintiff which is a
19 "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).
20

21 11. The collection letter (Exhibit "1") is dated September 19, 2007.

22 12. The collection letter (Exhibit "1") was the first written communication from
23 Defendant to Plaintiff in connection with the collection of the alleged debt.

24 13. A true and accurate copy of the September 19, 2007 collection letter from
25 Defendant to Plaintiff is attached hereto, marked Exhibit "1," and by this reference is incorporated
26 herein.

27 14. On or about October 16, 2007, Plaintiff mailed a letter to Defendant which stated:
28

1 “please be advised that I dispute this debt and refuse to pay.”

2 15. A true and accurate copy of Plaintiff’s letter disputing the alleged debt and
3 refusing to pay the alleged debt is attached hereto, marked Exhibit “2,” and by this reference is
4 incorporated herein.
5

6 16. Defendant received Plaintiff’s letter disputing the alleged debt and refusing to pay
7 the alleged debt (Exhibit “2”) on or about October 17, 2007.

8 17. A true and accurate copy of the USPS Tracking Report and Certified Mail Return
9 Receipt evidencing Defendant’s receipt of Plaintiff’s letter disputing the alleged debt and refusing to
10 pay the alleged debt (Exhibit “2”) is attached hereto, marked Exhibit “3,” and by this reference is
11 incorporated herein.
12

13 18. After receiving Plaintiff’s letter disputing the alleged debt (Exhibit “2”),
14 Defendant continued its collection efforts without first obtaining and mailing Plaintiff a validation of
15 the debt being collected.

16 19. After receiving Plaintiff’s letter notifying Defendant of his refusal to pay the
17 alleged debt (Exhibit “3”), Defendant continued to communicate with Plaintiff in an attempt to collect
18 the alleged debt.
19

20 20. Defendant knew or should have known that its conduct was directed towards a
21 senior citizen.

22 21. Thereafter, Defendant sent a collection letter (Exhibit “4”) to Plaintiff which is a
23 “communication” in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).
24

25 22. The collection letter (Exhibit “4”) is dated March 8, 2008.

26 23. A true and accurate copy of the March 8, 2008, collection letter from Defendant to
27 Plaintiff is attached hereto, marked Exhibit “4,” and by this reference is incorporated herein.
28

1 24. Thereafter, Defendant sent a collection letter (Exhibit "5") to Plaintiff which is a
2 "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

3 25. The collection letter (Exhibit "5") is dated June 4, 2008.

4 26. The collection letter (Exhibit "5") was sent in an envelope on which a postage
5 meter stamp dated June 4, 2008, was imprinted.

6 27. Plaintiff is informed and believes, and thereon alleges, that Defendant deposited
7 the envelope containing the collection letter (Exhibit "5") in the United States Mail on or about June 4,
8 2008.

9 28. A true and accurate copy of the June 4, 2008, collection letter from Defendant to
10 Plaintiff is attached hereto, marked Exhibit "5," and by this reference is incorporated herein.

11 29. On or about June 6, 2008, Plaintiff mailed a letter to Defendant which stated in
12 part: "With this letter I hereby request that you CEASE and DESIST any and all efforts to collect the
13 above referenced account."

14 30. A true and accurate copy of Plaintiff's cease and desist letter is attached hereto,
15 marked Exhibit "6," and by this reference is incorporated herein.

16 31. Defendant received Plaintiff's cease and desist letter (Exhibit "6") on or about
17 June 9, 2008.

18 32. A true and accurate copy of the USPS Tracking Report and Certified Mail Return
19 Receipt evidencing Defendant's receipt of Plaintiff's letter disputing the alleged debt and refusing to
20 pay the alleged debt (Exhibit "6") is attached hereto, marked Exhibit "7," and by this reference is
21 incorporated herein.

22 33. After receiving Plaintiff's cease and desist letter (Exhibit "6"), Defendant
23 continued to communicate with Plaintiff in an attempt to collect the alleged debt.
24
25
26
27
28

1 34. Thereafter, Defendant sent a collection letter (Exhibit "8") to Plaintiff which is a
2 "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

3 35. The collection letter (Exhibit "8") is dated November 4, 2008.

4 36. The collection letter (Exhibit "8") was sent in an envelope on which a postage
5 meter stamp dated November 4, 2008, was imprinted.
6

7 37. Plaintiff is informed and believes, and thereon alleges, that Defendant deposited
8 the envelope containing the collection letter (Exhibit "8") in the United States Mail on or about
9 November 4, 2008.

10 38. A true and accurate copy of the November 4, 2008, collection letter from
11 Defendant to Plaintiff is attached hereto, marked Exhibit "8," and by this reference is incorporated
12 herein.
13

14 39. As a senior citizen subjected to Defendant's abusive, deceptive and unfair
15 collection practices, Plaintiff is entitled to treble damages pursuant to Cal. Civil Code § 3345.
16

17 **VII. CLAIMS**

18 **FAIR DEBT COLLECTION PRACTICES ACT**

19 40. Plaintiff brings the first claim for relief against Defendant under the Federal Fair
20 Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

21 41. Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs
22 as though fully set forth herein.
23

24 42. Plaintiff is a "consumer" as that term is defined by the FDCPA, 15 U.S.C. §
25 1692a(3).

26 43. Defendant, BRIDGEPORT, is a "debt collector" as that term is defined by the
27 FDCPA, 15 U.S.C. § 1692a(6).
28

1 44. The financial obligation alleged to be owed by Plaintiff is a "debt" as that term is
2 defined by the FDCPA, 15 U.S.C. § 1692a(5).

3 45. Defendant has violated the FDCPA. The violations include, but are not limited to,
4 the following:
5

6 a. Defendant continued to communicate with Plaintiff in an attempt to collect
7 the alleged debt, after receiving written notification that Plaintiff refused to pay the debt being
8 collected, in violation of 15 U.S.C. § 1692c(c);

9 b. Defendant continued its collection efforts against Plaintiff after receiving a
10 written notification within the thirty-day validation period from Plaintiff disputing the debt
11 being collected in its entirety without first obtaining a verification of the debt and mailing a
12 copy of such verification to the Plaintiff, in violation of 15 U.S.C. § 1692g(b).
13

14 46. Defendant's acts as described above were done intentionally with the purpose of
15 coercing Plaintiff to pay the alleged debt.

16 47. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to an
17 award of statutory damages, costs and reasonable attorneys fees, pursuant to 15 U.S.C. § 1692k.
18

19 **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

20 48. Plaintiff brings the second claim for relief against Defendant under the Rosenthal
21 Fair Debt Collection Practices Act ("RFDCPA"), California Civil Code §§ 1788-1788.33.

22 49. Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs
23 as though fully set forth herein.
24

25 50. Plaintiff is a "debtor" as that term is defined by the RFDCPA, Cal. Civil Code §
26 1788.2(h).

27 51. Defendant, BRIDGEPORT, is a "debt collector" as that term is defined by the
28

1 RFDCPA, Cal. Civil Code § 1788.2(c).

2 52. The financial obligation alleged to be owed by Plaintiff is a "consumer debt" as
3 that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(f).

4 53. Defendant has violated the RFDCPA. The violations include, but are not limited
5 to, the following:

6
7 a. Defendant continued to communicate with Plaintiff in an attempt to collect
8 the alleged debt, after receiving written notification that Plaintiff refused to pay the debt being
9 collected, in violation of Cal. Civil Code § 1788.17;¹

10
11 b. Defendant continued its collection efforts against Plaintiff after receiving a
12 written notification within the thirty-day validation period from Plaintiff disputing the debt
13 being collected in its entirety without first obtaining a verification of the debt and mailing a
14 copy of such verification to the Plaintiff, in violation of Cal. Civil Code § 1788.17.²

15 54. Defendant's acts as described above were done willfully and knowingly with the
16 purpose of coercing Plaintiff to pay the alleged debt, within the meaning of Cal. Civil Code §
17 1788.30(b).

18
19 55. As a result of Defendant's willful and knowing violations of the RFDCPA,
20 Plaintiff is entitled to an award of a statutory penalty in an amount not less than one hundred dollars
21 (\$100) nor greater than one thousand dollars (\$1,000), pursuant to Cal. Civil Code § 1788.30(b).

22 56. As a result of Defendant's violations of the RFDCPA, Plaintiff is entitled to an
23 award of statutory damages pursuant to Cal. Civil Code § 1788.17.³

24
25 57. As a result of Defendant's violations of the RFDCPA, Plaintiff is entitled to an
26 award of his reasonable attorney's fees and costs pursuant to Cal. Civil Code §§ 1788.30(c) and

27
28 ¹ 15 U.S.C. § 1692c(c).

² 15 U.S.C. § 1692g(b).

³ 15 U.S.C. § 1692k(a)(2)(A).

1 1788.17.⁴

2 58. Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the RFDCPA
3 are intended to be cumulative and in addition to any other procedures, rights or remedies that the
4 Plaintiff may have under any other provision of law.
5

6 **VIII. REQUEST FOR RELIEF**

7 Plaintiff requests that this Court:

- 8 a) Assume jurisdiction in this proceeding;
9 b) Declare that Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. §§
10 1692c(c) and 1692g(b);
11 c) Declare that Defendant violated the Rosenthal Fair Debt Collection Practices Act, Cal.
12 Civil Code § 1788.17;
13 d) Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15
14 U.S.C. § 1692k(a)(2)(A);
15 e) Award Plaintiff a statutory penalty in an amount not less than \$100 nor greater than
16 \$1,000 pursuant to Cal. Civil Code § 1788.30(b);
17 f) Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to Cal.
18 Civil Code § 1788.17;⁵
19 g) Award Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15
20 U.S.C. § 1692k(a)(3) and Cal. Civil Code §§ 1788.17 and 1788.30(c);
21 h) Award Plaintiff treble damages pursuant to Cal. Civil Code § 3345; and
22 i) Award Plaintiff such other and further relief as may be just and proper.
23
24
25

26 ///

27
28 ⁴ 15 U.S.C. § 1692k(a)(3).

⁵ 15 U.S.C. § 1692k(a)(2)(A).

CONSUMER LAW CENTER, INC.

By: /s/ Fred W. Schwinn

Fred W. Schwinn, Esq.

Attorney for Plaintiff

JOSEPH LAWRENCE KLEMENCIC

CERTIFICATION PURSUANT TO CIVIL L.R. 3-16

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

/s/ Fred W. Schwinn

Fred W. Schwinn, Esq.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, JOSEPH LAWRENCE KLEMENCIC, hereby demands a trial by jury of all triable issues of fact in the above-captioned case.

/s/ Fred W. Schwinn

Fred W. Schwinn, Esq.

PO BOX 6166
SAN JOSE, CA 95150-6166

COLLECTAL ASSOCIATES

1111 Willow Street
San Jose, CA 95125-3186
Phone: 408-295-7085
Fax: 408-295-7077

ADDRESS SERVICE REQUESTED

September 19, 2007



JOSEPH L KLEMERIC - 441254
5392 CRIBARI CREST
SAN JOSE CA 95135-1313

Creditor: THE VILLAGES GOLF&COUNTRY CLUB
Account: 441254

Amount: \$4722.96
Interest: \$141.04
Total Due:\$4864.00

Dear JOSEPH L KLEMERIC,

The creditor shown above has assigned this debt to us to collect.

This is an attempt to collect by a debt collector and any information obtained will be used for that purpose.

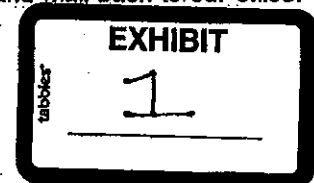
Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing in 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

All payments must be sent directly to our office. Our office now accepts Visa, Mastercard, and Debit cards. Please contact our office with your card information or fill out the bottom portion of this letter and mail back to our office.

Sincerely,

R. GARAY



This is an attempt to collect by a debt collector. Any information obtained will be used for that purpose.

Detach Here - Return this stub with your payment.

Home Phone: _____

Visa, Master Card, Debit Card (CIRCLE ONE) \$ _____ Amount

Work Phone: _____

Card # _____ Expiration Date _____

Thank You for your payment.
Please update your phone number.

\$4864.00 Total Due \$ _____ Amount Enclosed

COLLECTAL ASSOCIATES
PO BOX 6166
SAN JOSE, CA 95150-6166



JOSEPH L KLEMERIC - 441254
5392 CRIBARI CREST
SAN JOSE CA 95135-1313

REFUSE TO PAY LETTER

COLLECTAL ASSOC.
Collection Agency's Name

1111 WILLOW ST.
Collection Agency's Address

SAN JOSE, CA 95125-3186

10/14/07
Today's Date

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7007-0710-0001-0498-8008
Tracking Number

Re: Account No. 441254

Dear Sir or Madam:

I have enclosed a copy of the last collection letter that you sent to me.

In this regard, please be advised that I dispute this debt and refuse to pay.

PLEASE MARK YOUR FILES ACCORDINGLY.

Trusting in your good offices, I remain . . .

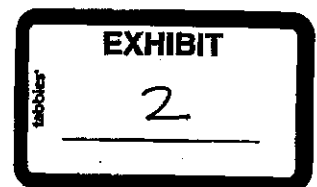
Very Truly Yours,

[Signature]
Sign your name here

JOE KLEMENCIC
Print your name here

P.O. Box 1681
Print your address here

MARTINEZ, CA 94513



2007 0710 0001 0498 8008

U.S. Postal Service	
CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Postmark Here:
OCT 2007
USPS
St. James Park Sta.
95113-9998

Sent To: Collectal Assoc.
Street, Apt. No., or PO Box No. 1111 WILLOW ST.
City, State, ZIP+4 SAN JOSE, CA 95125-3186

PS Form 3800, August 2006 See Reverse for Instructions

PO BOX 6166
SAN JOSE, CA 95150-6166

COLLECTAL ASSOCIATES

1111 Willow Street
San Jose, CA 95125-3186
Phone: 408-295-7085
Fax: 408-295-7077

ADDRESS SERVICE REQUESTED

September 19, 2007

██

JOSEPH L KLEMERIC - 441254
5392 CRIBARI CREST
SAN JOSE CA 95135-1313

Creditor: THE VILLAGES GOLF & COUNTRY CLUB
Account: 441254

Amount: \$4722.96
Interest: \$141.04
Total Due: \$4864.00

Dear JOSEPH L KLEMERIC,

The creditor shown above has assigned this debt to us to collect.

This is an attempt to collect by a debt collector and any information obtained will be used for that purpose.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing in 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

All payments must be sent directly to our office. Our office now accepts Visa, Mastercard, and Debit cards. Please contact our office with your card information or fill out the bottom portion of this letter and mail back to our office.

Sincerely,

R. GARAY

This is an attempt to collect by a debt collector. Any information obtained will be used for that purpose.

Detach Here - Return this stub with your payment.

Home Phone: _____	Visa, Master Card, Debit Card (CIRCLE ONE) _____	\$ _____ Amount
Work Phone: _____	Card # _____	Expiration Date _____
Thank You for your payment. Please update your phone number _____	\$4864.00 Total Due	\$ _____ Amount Enclosed

COLLECTAL ASSOCIATES
PO BOX 6166
SAN JOSE, CA 95150-6166

JOSEPH L KLEMERIC - 441254
5392 CRIBARI CREST
SAN JOSE CA 95135-1313

4/16/2009

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Track & Confirm

Search Results

Label/Receipt Number: 7007 0710 0001 0498 8008

Associated Label/Receipt:

Detailed Results:

- Delivered, October 17, 2007, 12:00 pm, SAN JOSE, CA 95125
- Acceptance, October 16, 2007, 3:47 pm, SAN JOSE, CA 95113

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SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CORPUS ASSOC.
1111 Willow ST.
SAN JOSE, CA 95125-3186

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

☒ Is delivery address different from Item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 0710 0001 0498 8008

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1640

EXHIBIT

3

PO BOX 6166
SAN JOSE, CA 95150-6166

COLLECTAL ASSOCIATES

1111 Willow Street
San Jose, CA 95125-3186
Phone: 408-295-7085
Fax: 408-295-7077

ADDRESS SERVICE REQUESTED

March 8, 2008



JOSEPH L KLEMENCIC - 441254
PO BOX 1681
MARTINEZ CA 94553-0681

Re: THE VILLAGES GOLF & COUNTRY CLUB
Account: 441254

Total Due: \$5085.27

THIS IS STILL UNPAID!

Just because you have not been contacted for sometime about your balance detailed below, does not mean that this balance has gone away or had been deleted from our records. Until this balance is paid, it will continue to stay on our files. The only way it will go away is if you make Payment In Full. Why not make this happen?

PAYMENT IN FULL WILL CLOSE THIS FILE. WHY NOT MAKE PAYMENT RIGHT NOW! Cash, money orders, cashier checks, or your personal check are all satisfactory means of payment.

All payments must be sent directly to our office. Our office now accepts Visa, Mastercard, and Debit cards. Please contact our office with your card information or fill out the bottom portion of this letter and mail back to our office.

Sincerely,

R. GARAY

EXHIBIT

4

This is an attempt to collect by a debt collector. Any information obtained will be used for that purpose.

Detach Here - Return this stub with your payment.

Home Phone: _____

Visa, Master Card, Debit Card (CIRCLE ONE) \$ _____ Amount

Work Phone: _____

_____ Card # _____ Expiration Date

Thank You for your payment.
Please update your phone number.

\$5085.27

Total Due

\$ _____ Amount Enclosed

COLLECTAL ASSOCIATES
PO BOX 6166
SAN JOSE, CA 95150-6166



JOSEPH L KLEMENCIC - 441254
PO BOX 1681
MARTINEZ CA 94553-0681

PO BOX 6166
SAN JOSE, CA 95150-6166

**COLLECTAL
ASSOCIATES**

1111 Willow Street
San Jose, CA 95125-3186
Phone: 408-295-7085
Fax: 408-295-7077
www.welldun.com

ADDRESS SERVICE REQUESTED

June 4, 2008



JOSEPH L KLEMENCIC - 441254
230 E DUNNE AVE #1015
MORGAN HILL CA 95037-4660

Re: THE VILLAGES GOLF & COUNTRY CLUB
Account: 441254
Total Due: \$5199.14

THIS IS A DEMAND FOR PAYMENT IN FULL TODAY

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

WHY HAVE YOU IGNORED OUR PREVIOUS NOTICES?

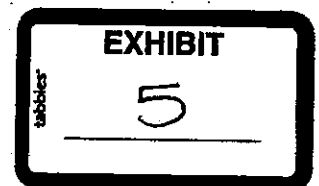
SEND YOUR PAYMENT IN FULL TODAY.

COLLECTAL ASSOCIATES
PO BOX 6166
SAN JOSE, CA 95150-6166

All payments must be sent directly to our office. Our office accepts all Visa and
Mastercards. Please contact our office with your card information or fill out the bottom
portion of this letter and mail back to our office. Save time and pay online with no extra
charge.

Sincerely,

LINDA STRAUSS 408-295-7085



This is an attempt to collect by a debt collector. Any information obtained will be used
for that purpose.

Detach Here - Return this stub with your payment.

SAVE POSTAGE AND PAY ONLINE AT WWW.WELLDUN.COM

Home Phone: _____ Visa, Master Card, Debit Card (CIRCLE ONE) \$ _____ Amount
Work Phone: _____ Card # _____ Expiration Date
Thank You for your payment.
Please update your phone number. \$5199.14 Total Due \$ _____ Amount Enclosed

COLLECTAL ASSOCIATES
PO BOX 6166
SAN JOSE, CA 95150-6166

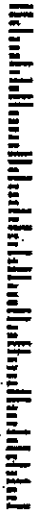
JOSEPH L KLEMENCIC - 441254
230 E DUNNE AVE #1015
MORGAN HILL CA 95037-4660



PO BOX 6166
SAN JOSE, CA 95150-6166

ADDRESS SERVICE REQUESTED

June 4, 2008



JOSEPH L KLEMENCIC - 441254
230 E DUNNE AVE #1015
MORGAN HILL CA 95037-4860

U/S RETURN 54
MAILED 941



PSRT FIRST-CLASS MAIL

Master
05/04/2008
1204520

US POSTAGE
\$00.35
05/04/2008

CEASE AND DESIST LETTER

Collectal Associates
Collection Agency's Name

1111 Willow St.
Collection Agency's Address

San Jose, Ca 95125-3186

6/6/08
Today's Date

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7007-2680-0001-8933-0857
Tracking Number

Re: Account No. 441254

Dear Sir or Madam:

With this letter I hereby request that you CEASE and DESIST any and all efforts to collect on the above referenced account. I have attached a copy of your most recent correspondence for your reference. I will only deal with the original creditor of this account.

You are hereby instructed to cease all collection efforts immediately or face legal sanctions under the Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692c(c) and the Rosenthal Fair Debt Collection Practices Act, California Civil Code §1788.17.

Until advised otherwise, you should mark this account as "disputed," pursuant to 15 U.S.C. § 1692e(8).

Finally, please be advised that I am a Senior Citizen and any further collection communications will cause me undue stress and anxiety. See Cal Civil Code § 3345.

PLEASE MARK YOUR FILES ACCORDINGLY.

Trusting in your good offices, I remain...

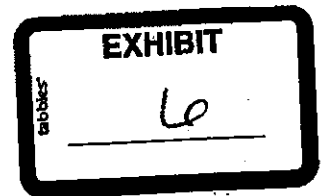
Very Truly Yours,

Joseph L. Klemencic
Sign your name here

Joseph L. KLEMENCIC
Print your name here

230 East Dunne Ave. #1015
Print your address here

Morgan Hill, Ca 95037



U.S. Postal Service	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 40.42
Certified Fee	\$ 2.70
Return Receipt Fee (Endorsement Required)	\$ 2.20
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 45.32

Sent To: Collectal Associates
Street, Apt. No., or PO Box No. 1111 Willow St.
City, State, ZIP+4[®] San Jose, Ca 95125-3186

PS Form 3800, August 2005 See Reverse for Instructions

PO BOX 6166
SAN JOSE, CA 95150-6166

**COLLECTAL
ASSOCIATES**

1111 Willow Street
San Jose, CA 95125-3186
Phone: 408-295-7085
Fax: 408-295-7077
www.welldun.com

ADDRESS SERVICE REQUESTED

June 4, 2008



JOSEPH L KLEMENCIC - 441254
230 E DUNNE AVE #1015
MORGAN HILL CA 95037-4660

Re: THE VILLAGES GOLF & COUNTRY CLUB
Account: 441254

Total Due: \$5199.14

THIS IS A DEMAND FOR PAYMENT IN FULL TODAY

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

WHY HAVE YOU IGNORED OUR PREVIOUS NOTICES?

SEND YOUR PAYMENT IN FULL TODAY

COLLECTAL ASSOCIATES
PO BOX 6166
SAN JOSE, CA 95150-6166

All payments must be sent directly to our office. Our office accepts all Visa and
Mastercards. Please contact our office with your card information or fill out the bottom
portion of this letter and mail back to our office. Save time and pay online with no extra
charge.

Sincerely,

LINDA STRAUSS 408-295-7085

This is an attempt to collect by a debt collector. Any information obtained will be used
for that purpose.

Detach Here - Return this stub with your payment.

SAVE POSTAGE AND PAY ONLINE AT WWW.WELLDUN.COM

Home Phone: _____ Visa, Master Card, Debit Card (CIRCLE ONE) \$ _____ Amount
Work Phone: _____ Card # _____ Expiration Date
Thank You for your payment.
Please update your phone number. \$5199.14 Total Due \$ _____ Amount Enclosed

COLLECTAL ASSOCIATES
PO BOX 6166
SAN JOSE, CA 95150-6166



JOSEPH L KLEMENCIC - 441254
230 E DUNNE AVE #1015
MORGAN HILL CA 95037-4660

4/16/2009

USPS - Track & Confirm


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[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7007 2680 0001 8933 0857

Associated Label/Receipt:

Detailed Results:

- Delivered, June 09, 2008, 11:37 am, SAN JOSE, CA 95126
- Notice Left, June 07, 2008, 9:03 am, SAN JOSE, CA 95125
- Acceptance, June 06, 2008, 4:52 pm, SAN JOSE, CA 95113

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[Return to USPS.com Home >](#)

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No FEAR Act EEO Data

FOIA

The United States Postal Service

United States Postal Service

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Collectal Associates
1111 Willow Street
San Jose, CA 95125-3186

2. Article Number
(Transfer from service label)

7007 2680 0001 8933 0857

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

6-9-08

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

EXHIBIT

7

PO BOX 6166
SAN JOSE, CA 95150-6166
November 4, 2008

COLLECTAL ASSOCIATES

1111 Willow Street
San Jose, CA 95125-3186
Phone: 408-295-7085
Fax: 408-295-7077

Address Service Requested

#BWNFTZF #COL3064975308110#

|||||

JOSEPH L KLEMENCIC - 441254
230 E DUNNE AVE APT 1015
MORGAN HILL CA 95037-4660

Re: THE VILLAGES GOLF&COUNTRY CLUB
Account: 441254
Total Due: \$5397.12

THIS IS STILL UNPAID!

Just because you have not been contacted for sometime about your balance detailed below, does not mean that this balance has gone away or had been deleted from our records. Until this balance is paid, it will continue to stay on our files. The only way it will go away is if you make Payment In Full. Why not make this happen?

PAYMENT IN FULL WILL CLOSE THIS FILE. WHY NOT MAKE PAYMENT RIGHT NOW! Cash, money orders, cashier checks, or your personal check are all satisfactory means of payment.

All payments must be sent directly to our office. Our office now accepts Visa, Mastercard, and Debit cards. Please contact our office with your card information or fill out the bottom portion of this letter and mail back to our office.

Sincerely,

MIKE HERNANDEZ 408-295-7085



This is an attempt to collect by a debt collector. Any information obtained will be used for that purpose.

Detach Here - Return this stub with your payment.

Home Phone: _____ Visa, Master Card, Debit Card (CIRCLE ONE) \$ _____ Amount
Work Phone: _____ Card # _____ Expiration Date
Thank You for your payment.
Please update your phone number. \$5397.12 Total Due \$ _____ Amount Enclosed

COLLECTAL ASSOCIATES
PO BOX 6166
SAN JOSE, CA 95150-6166

|||||

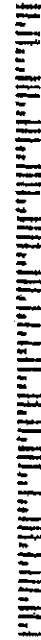
JOSEPH L KLEMENCIC - 441254
230 E DUNNE AVE APT 1015
MORGAN HILL CA 95037-4660

PO BOX 6166
SAN JOSE, CA 95150-6166
November 4, 2008

Address Service Requested

#BWNFTZF #COL3064975308110#

JOSEPH L KLEMENCIC - 441254
230 E DUNNE AVE APT 1015
MORGAN HILL CA 95037-4660



D/S AUTH54

MAILED941



PSRT FIRST-CLASS MAIL
\$00.35
NOV 04 2008

1A102A1 95037

